

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:04CV001**

CORETTA R. CALDWELL,)	
)	
PLAINTIFF,)	
)	
v.)	MEMORANDUM AND ORDER
)	
JO ANNE B. BARNHART,)	
Commissioner of Social)	
Security Administration,)	
)	
DEFENDANT.)	
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THIS MATTER is before the Court on Plaintiff's Motion for Summary Judgment and supporting memorandum [doc. 7], filed on May 28, 2004, and Defendant's Motion for Summary Judgment [doc. 9] and Memorandum in Support of the Commissioner's Decision [doc. 8], both filed on July 19, 2004.

Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David C. Keesler was designated to consider and recommend disposition in the aforesaid motion. In a thorough and well-considered opinion, filed June 14, 2005, Magistrate Judge Keesler recommended that Plaintiff's Motion for Summary Judgment be denied and Defendant's Motion for Summary Judgment be granted. The parties were advised that objections were to be filed in writing within ten (10) days after service of the Magistrate Judge's Memorandum and Recommendation. Time for filing objections has passed and no objections have been filed by any party in this matter.

After a careful review of Magistrate Judge Keesler's Memorandum and Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. See Orpiano v.

Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (holding that absent specific objections, only a careful review is required in considering a memorandum and recommendation). Accordingly, the Court hereby accepts the Memorandum and Recommendation of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case. Therefore, Plaintiff's Motion for Summary Judgment is hereby **DENIED** and Defendant's Motion for Summary Judgment is hereby **GRANTED**.

SO ORDERED.

Signed: July 25, 2005

Signed: July 25, 2005

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Graham C. Mullen
Chief United States District Judge

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

